

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CFE RACING PRODUCTS, INC.,

Plaintiff,

v.

Case No. 11-13744

Honorable David M. Lawson

Magistrate Judge Mark A. Randon

BMF WHEELS, INC. and BROCK WELD,

Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFF'S
MOTION TO COMPEL PRODUCTION OF DOCUMENTS AND
ANSWERS TO DEPOSITION QUESTIONS (DKT. NO. 22)**

Before the Court is Plaintiff CFE Racing Product's Inc.'s Motion to Compel Production of Documents and Answers to Deposition Questions (Dkt. No. 22). The Court has read the motion and the response of Defendant BMF Wheels, Inc. (Dkt. No. 31); oral argument was heard on September 25, 2012. For the reasons stated on the record,

IT IS ORDERED that Plaintiff's request for the continued deposition of Defendant Brock Weld to provide responses to three previously asked questions is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's motion to compel production of documents is **GRANTED IN PART AND DENIED IN PART** as follows:

1. Defendant shall produce to Plaintiff its corporate tax records, with appropriate redactions, for the years 2007 through 2011. Defendant shall not be required to produce profit and loss statements, because they do not fall within the scope of Request Number 4 – which relates to “sales” not “profits.”

2. Defendant shall provide a “representative sample”¹ of its uses of the trademark besides the catalogue and website. The representative samples shall go back two years, and Defendant shall make reasonable efforts to secure samples older than two years.
3. Defendant shall provide a supplemental response setting forth the nature of its search to find responsive e-mails.
4. In all other respects, Plaintiff’s motion to compel is **DENIED**.

Defendant shall produce the documents in items 1, 2 and 3 above *on or before October 25, 2012*.

SO ORDERED.

s/Mark A. Randon

Mark A. Randon
United States Magistrate Judge

Dated: September 25, 2012

Certificate of Service

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, September 25, 2012, by electronic and/or ordinary mail.

s/Melody Miles

Case Manager

¹ Counsel agreed on the record that “representative sample” is defined as packaging, trade show materials, and representative ads.